

EXHIBIT 2

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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

CANDY TORRES,

Plaintiff,

v.

**ALLAN ROTHSTEIN and KYLE
PUNTNEY,**

Defendants.

Case No.: 2:19-cv-00594-APG-GWF

**DEFENDANT, ALLAN ROTHSTEIN’S
RESPONSES AND OBJECTIONS
TO PLAINTIFF’S SECOND SET OF
INTERROGATORIES**

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, Defendant, Allan Rothstein (“Rothstein”), by and through his counsel of record counsel of record, Charles (“CJ”) E. Barnabi Jr., Esq. of The Barnabi Law Firm, PLLC, hereby responds and objects to Plaintiff, Candy Torres’ Second Set of Interrogatories as follows:

PRELIMINARY STATEMENT

These responses are made solely for the purpose of this action. The responses do not waive any appropriate objection, including, but not limited to, those based on competency, relevancy, materiality, attorney-client privilege, work-product, or admissibility, which would require the exclusion of any statement made herein if the statement were offered into evidence in Court.

1 The following responses are given without prejudice to Rothstein's right to produce
2 evidence of any subsequently discovered facts that Rothstein may later uncover. The answers
3 contained herein are made in a reasonable and good faith effort to supply as much factual
4 information as is presently known, but should in no way lead to the prejudice of Rothstein in
5 relation to further discovery, research or analysis.
6

7 GENERAL STATEMENT

8 1. Rothstein hereby asserts the following General Objections (the "General
9 Objections") to the Interrogatories, each of which is hereby incorporated by reference into the
10 response to each individual Interrogatory below. From time to time, and for purpose of emphasis,
11 Rothstein may restate one or more of the General Objections as specific objections to individual
12 Interrogatories. The failure to include any General Objection in any specific response is not to be
13 interpreted as a waiver of any General Objection.
14

15 2. By responding to Torres' interrogatories, Rothstein does not concede the
16 relevancy or materiality of any interrogatory or of the subject to which it refers. Rothstein's
17 responses are made subject to, and without waiving any objections to the competency, relevancy,
18 materiality, privilege, or admissibility of any of the responses given, or of the subject matter to
19 which they concern, in any proceeding in this action or in any other subsequent proceeding. Such
20 responses are made specifically subject to the right to object to any discovery proceeding
21 involving or relating to the subject matter of the interrogatories responded to herein.
22

23 3. Rothstein objects and responds to the Interrogatories on the basis of facts and
24 circumstances as they are presently known to Rothstein. Rothstein has not completed his
25 discovery and preparation for trial. Accordingly, all of the following objections and responses
26 are provided without prejudice to Rothstein's right to introduce at trial any evidence it
27 subsequently discovers. Rothstein reserves the right to supplement its objections and responses
28

1 to the Interrogatories based upon newly-discovered evidence or information of which Rothstein
2 is not aware as of the present date.

3 4. Rothstein objects to the Interrogatories to the extent that they call for the
4 production of trade secrets, confidential information and proprietary information regarding
5 Rothstein's business and/or business operations.
6

7 5. Rothstein objects to each and every interrogatory to the extent that it purports to
8 require Rothstein to produce information in violation of a legal or contractual obligation of
9 nondisclosure to a third party. Rothstein will not produce such information without either the
10 consent of the relevant third party or a court order compelling production.

11 6. It should not be inferred from the form or substance of any objection or response
12 herein that information responsive to any particular Interrogatory exists.

13 7. Rothstein objects to the definitions and instructions contained in the
14 Interrogatories to the extent that they impose obligations on Rothstein beyond those permitted by
15 the Federal Rules of Civil Procedure and applicable case law. Rothstein will interpret each
16 Interrogatory and respond pursuant to, and in light of, the requirements of the Federal Rules of
17 Civil Procedure and applicable case law.
18

19 8. Rothstein objects to Torres' definitions, instructions and interrogatories to the
20 extent that they purport to require the production of information that does not exist or is not in
21 Rothstein's possession, custody or control. Any statement by Rothstein that he will produce
22 information or categories of information is not to be construed as a representation that such
23 information exists or is in Rothstein's possession, custody or control.
24

25 9. The General Objections set forth above apply to. and are hereby incorporated into
26 each specific response and/or objection set forth below. Rothstein responds and/or objects to
27 each Interrogatory subject to these General Objections, and without waiving them.
28

1 10. Rothstein objects to these interrogatories to the extent they contain multiple
2 discrete subparts and reserves its right to seek a protective order if and when Plaintiff propounds
3 interrogatories in excess of the 25 interrogatory limitations on the service of interrogatories
4 under Fed. R. Civ. Pro 33. Rothstein will only respond to 25 interrogatory requests, inclusive of
5 subparts.
6

7 **SPECIFIC RESPONSES AND OBJECTIONS TO**
8 **INTERROGATORIES**

9 Subject to and without waiver of the foregoing objections, Rothstein responds and
10 specifically objects to the individual Interrogatories as follows:

11 *Affirmative defenses*

12 12. Please state each reason, including any fact supporting each reason, that tends to
13 prove defendant Allan Rothstein's contention that persons other than those named as defendants
14 – Allan Rothstein and Kyle Puntney – may be liable to plaintiff or should be named as a party in
15 this action.
16

17 **Response to Interrogatory 12:**

18 Please see responses to prior interrogatories six, eight and nine, which objections are
19 likewise incorporated herein. Additionally, there may be other parties which have assisted,
20 induced or in concert assisted Plaintiff in violating the lease or engaging in numerous false
21 allegations, which are presently unknown. Defendant reserves the right to amend this response
22 and/or amend its FRCP 26.1 Disclosure as further discovery reveals.
23

24 13. Please state each reason, including any fact supporting each reason, that tends to
25 prove defendant Allan Rothstein's contention that Candy Torres has already violated several
26 provisions of the Lease Agreement and that the lease should be terminated immediately, and in
27 any event will not be renewed.
28

Response to Interrogatory 13:

Please see responses to prior interrogatories eight and nine, which objections are likewise incorporated herein. More specifically on August 6, 2019, the Las Vegas Metropolitan Police Department's SWAT Department appeared at the property and an arrest was made due to illegal or unlawful activity. Defendant is in the process of obtaining the incident report. On August 25, 2018, when the property was inspected it was apparent that the garage and water heater were the subject of willful and malicious destruction. Plaintiff has also been informed by Mr. Puntney that he does not intend to renew the lease which ends in November 2019. Defendant does not believe that Mr. Puntney is obligated to renew the lease, nor does he believe that he is obligated to convince Mr. Puntney to renew the lease.

Dated this 25th day of September 2019.

THE BARNABI LAW FIRM, PLLC

By: /s/ CJ Barnabi
CHARLES ("CJ") E. BARNABI JR., ESQ.
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375 E. Warm Springs Road, Ste. 104
Las Vegas, NV 89119
Attorney for Defendant, Allan Rothstein

VERIFICATION

STATE OF NEVADA)
)
 COUNTY OF CLARK) ss:

I, Allan Rothstein, am a Defendant in this action. I have read the foregoing answers to interrogatories. I am informed and believe that the matters stated therein are true of my own knowledge, except those matters stated on information and belief, and as to those matters, I believe them to be true.

I declare under penalty of perjury under the laws of the State of Nevada and the United States of America that the foregoing facts are true and correct.

Executed this 25th day of September 2019.

/s/ Allan Rothstein
 ALLAN ROTHSTEIN

THE BARNABI LAW FIRM, PLLC
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Attorneys for Defendant, Allan Rothstein

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

CANDY TORRES,

Plaintiff,

v.

ALLAN ROTHSTEIN and KYLE
PUNTNEY,

Defendants.

Case No.: 2:19-cv-00594-APG-EJY

**DEFENDANT’S CERTIFICATE OF SERVICE OF DEFENDANT’S RESPONSES TO
PLAINTIFF’S SECOND SET OF INTERROGATORIES, AND DEFENDANT’S
RESPONSES TO PLAINTIFF’S SECOND REQUEST FOR THE PRODUCTION OF
DOCUMENTS**

I hereby certify that I am an employee of The Barnabi Law Firm, PLLC, and that on the 25th day of August 2019, I caused to be served a true and correct copy of foregoing: **Defendant’s Responses to Plaintiff’s Second Set of Interrogatories, and Defendant’s Responses to Plaintiff’s Second Request for the Production of Documents**, to be served in the following manner:

_____ (ELECTRONIC SERVICE) Pursuant to Rule 5-4 of the Local Rules of Civil Practice of the United States District Court for the District of Nevada, the above-referenced document was electronically filed on the date hereof and served through the Notice of Electric

1 Filing automatically generated by that Court's facilities.

2 _____ (UNITED STATES MAIL) By depositing a copy of the above-referenced
3 documents for mailing in the United States Mail, first-class postage prepaid, at Las Vegas,
4 Nevada, to the parties listed below at their last-known mailing addresses, on the date above
5 written:

6
7 ___X___ (ELECTRONIC SERVICE) via email, pursuant to the agreement between the
8 parties, to:

9
10 Ron Sung
11 c/o Nevada Legal Services
12 rsung@nlslaw.net

13 Christopher Brancart
14 Brancart & Brancart
15 cbrancart@brancart.com

16 Kyle Puntney
17 kylepuntney@mac.com; kylep@apple.com; kylepuntney@me.com

18
19 Dated this 25th day of September 2019.

20
21 /s/ Tammy Maskew
22 An employee of The Barnabi Law Firm, PLLC
23
24
25
26
27
28